

PETITION TO STOP AN ORDER OF ASSIGNMENT

1

To Stop an Existing Court Order

**(WHEN THE OTHER PARTY WILL NOT SIGN AN
AGREEMENT TO STOP THE ORDER)**

Part 1: Completing and Filing the Court Papers



SELF-SERVICE CENTER PETITION TO STOP “ORDER OF ASSIGNMENT”

FOR PETITIONER OR RESPONDENT

PART 1 -- COMPLETING AND FILING THE COURT PAPERS

This packet contains court forms and instructions to file a Petition to Stop an Order of Assignment. The documents should appear in order as listed. Items listed in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures: **Do not copy or file those pages!**

Order	File Number	Title	No. Pp.
1	DRSW1t	Table of forms/instructions in this packet	1
2	DRSW1k	Checklist: Use these forms if . . .	1
3	DRSW11i	INSTRUCTIONS: How to Fill Out “ Petition to Stop Order of Assignment ”	2
4	DRSW11f	“ Petition to Stop an Order of Assignment ”	3
5	DRSW82f	“ Order Stopping Order of Assignment ”	1
6	DRS88f	“ Current Employer Information Sheet ”	1
7	DRSW10p	PROCEDURES CHECKLIST	3

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

SELF-SERVICE CENTER

CHECKLIST

PETITION TO STOP AN "ORDER OF ASSIGNMENT"

You may use these forms if . . .

- ✓ An "**Order of Assignment**" has been entered against one of the parties, **AND**
- ✓ You wish to stop the order, **AND**
- ✓ The parties will not both sign papers agreeing to stop the "**Order of Assignment**" **AND**
- ✓ ONE or more of the following conditions applies to you:
 - ✓ The person making payments (payor) does not owe any more money under this Order or the obligation to pay support will end within 90 days of filing this Petition;
 - ✓ There is no money owed for back child support or back alimony (spousal maintenance).
- ✓ Current payments should stop, because all children named in this Order are 18 and not attending high school; all spousal maintenance /support is paid, or other condition for stopping support and / or maintenance has occurred, such as:
 - ✓ Child custody has been changed by order of the Court (if **Order** is not from this county, copy of "**Custody Order**" is attached);
 - ✓ Child adopted by someone else, and all past-due amounts have been paid, (copy of "**Adoption Order**" attached);
 - ✓ Child deceased, and all past-due amounts have been paid;
 - ✓ There are two or more active orders of assignment for same child(ren) or ex-spouse;
 - ✓ The (support) case has been dismissed (if **Order** is not from this county, copy of "**Order Dismissing Case**" is attached);
 - ✓ Person receiving payments deceased (death certificate or other proof such as obituary attached).

DO NOT USE FORMS and instructions in this packet if . . .

- ✗ The parties agree to stop the "**Order of Assignment**"
(Use the "**Agreement to Stop Order of Assignment**" forms instead).
- ✗ Monies are still owed for current or past due child support or spousal maintenance (alimony).

NOTE: If your "**Order of Assignment**" was issued after January 1, 2005, there may be an **automatic stop date** on the Order. If there is and that date is correct, **you do not need** to file anything to stop the Order, though you may want to make sure the payroll department of whomever has been making payments is **aware** of the termination date.

READ ME: Filing documents with the Court may lead to serious and sometimes unintended results. Consult an attorney to help guard against undesired and unexpected consequences. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or from our web site by clicking on the button to the right of "Lawyers and Mediators" at:

<http://www.superiorcourt.maricopa.gov/ssc>

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT FORMS TO STOP AN ORDER OF ASSIGNMENT (When Parties Will Not Sign Agreement to Stop the Order)

TO COMPLETE THESE FORMS YOU WILL NEED:

- ✓ The date the current **"Order of Assignment"** was signed. If you do not know this date, you can find it on the original **"Order of Assignment"** maintained in the court file.
- ✓ The fee for filing for this process is currently \$61.00. There may be additional fees, including an appearance fee of \$231.00 if this is the first time you or your attorney has appeared (filed any papers) in this case. If you cannot pay these fees, you may request that the fees be deferred or waived. The Self-Service Center and the Clerk of Superior Court have the necessary forms to request the deferral or waiver.

DEFINITIONS:

"Obligee" is the person or agency entitled to receive support payments.

"Obligor" is the person ordered to make support payments.

FOR ALL FORMS: USE BLACK INK, TYPE OR PRINT IN LARGE CLEAR LETTERS.

PETITION TO STOP ORDER OF ASSIGNMENT

Match each numbered item in the instructions with the same numbered item on the form.

Enter the following information:

(1) (At top left) Print the name and other information requested for the person submitting this form. If you are representing yourself in this matter, check the box before "Self".

(2) The names of the persons shown as the petitioner/plaintiff and respondent/defendant on the original Order of Assignment.

(3) The case number that appears on the Order of Assignment.

(4) The ATLAS number (if one has been assigned to your case).

(5) The name of the person making this request.

(6) The date the current Order of Assignment, the one you want to stop, was signed. This will be near the Judicial Officer's signature on the Order.

Next, check the appropriate box(es) to explain why the Order of Assignment should be stopped.

Check the first box if child support was being paid in this case, then check the boxes immediately below that explain why the payor does not owe current or future child support payments.

THEN, read the next four statements and check the box for each one that applies. If there are multiple Orders of Assignment for the same children or the same ex-spouse under different case numbers, check the appropriate box(es) and write in the other case numbers.

(7) Request to Hold Payments. Check this box to request that no further payments be sent to the other party until a decision is made by the Court on your request to stop the assignment. IF this request is granted, understand that ***its effect is not immediate***, and payments will continue to be sent out by the Clearinghouse until it can be put into effect.

Signatures/Notary Information: Do not sign until you are directed to do so by a Notary Public or a Clerk of Court. Sign only your own name. Do not fill out the rest of this page. Signing your name is a statement to the Court that you believe the information submitted is true and correct under penalty of law.

ORDER STOPPING ORDER OF ASSIGNMENT

1. Match the numbered instructions below with the matching numbers on the form
2. Fill in the name of the person shown as the petitioner on the original "**Order of Assignment.**"
3. Fill in the name of the person shown as the respondent on the original "**Order of Assignment.**"
4. Fill in the case number and ATLAS Number (if any) that appears on the original "**Order of Assignment.**"
5. Fill in the name and social security number of the person obligated to make payments.

STOP. Judicial Officers or staff will complete the rest of this page. Proceed to next form.

CURRENT EMPLOYER INFORMATION SHEET

Fill in the information requested on this short form, which asks only for:

- Case Number
- ATLAS Number (if one has been assigned to this case)
- Name of the payor, the person who has been making payments
- Name and payroll address, fax and phone numbers for the payor's current employer (the one(s) named in the Order of Assignment)
- Name and payroll address, fax and phone numbers for the payor's previous employer

**WHEN YOU HAVE COMPLETED THESE FORMS, GO TO THE "PROCEDURES" PAGE
AND FOLLOW THE STEPS LISTED THERE.**

(1) Person Filing: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime / Evening Phone: _____
 In this case I am: ☐ a Petitioner or a ☐ Respondent ☐ Represented by Attorney
 If Attorney, Name: _____ Bar No.: _____
 Attorney Phone: _____

SUPERIOR COURT of ARIZONA in MARICOPA COUNTY

(2) _____
 Petitioner (in original case)

(3) Case No. _____

(4) ATLAS No. _____

(2) _____
 Respondent (in original case)

PETITION TO STOP ORDER OF ASSIGNMENT A.R.S. § 25-504

**THIS FORM IS NOT TO BE USED TO REQUEST A CHANGE IN YOUR EXISTING SUPPORT ORDER.
THIS FORM ONLY APPLIES TO THE ORDER OF ASSIGNMENT.**

I, (5) _____, ask the Court to terminate the ***"Order of Assignment"***
 issued on: (6) _____ (Month/Day/Year)
 The Order was issued by: _____ (Name of Court)
 Located in this County: _____ (Name of County)
 Located in this State: _____ (Name of State)

because all back child support and back alimony (spousal maintenance) have been paid and the obligation to pay current support and maintenance has ended for the reasons indicated below, *or will end* as of this date: _____

☐ Child Support was being paid in this case and the person making payments (the Obligor) is no longer obligated to pay current child support, because all children named in the Child Support Order: (Check all that apply):

- ☐ are **18 and not attending high school** or a certified equivalency program
- ☐ are **19**
- ☐ have been **adopted**
- ☐ are **married**
- ☐ are **deceased**
- ☐ are, by Court Order, **no longer in the custody of the person receiving payments.**

☐ The person receiving payments (the Obligee) is deceased (Death Certificate or other proof such as obituary notice is attached)

☐ The case was dismissed.

☐ There are multiple active Orders of Assignment for child support for the same children under different case numbers:

Case Number _____ Case Number _____ Case Number _____

Case No. _____

☐ There are multiple active Orders of Assignment for spousal maintenance for the same spouse under different case numbers:

Case Number _____ Case Number _____ Case Number _____

☐ Other condition for ending payments listed in the underlying support order or permitted by law has occurred. Describe below

(7) ☐ I request the Court to order the Support Payment Clearinghouse to hold any payments received pursuant to the Order of Assignment until further order of the Court. I understand that such Order, if made, is not immediate in effect and additional payments may be sent to the other party before such Order is effected

Note: If any child support or spousal maintenance payments are still owed for parties named in the Order, STOP! You cannot use these forms. You must file a Petition (or Agreement) to "Change" the Assignment or the Support/ Maintenance Order.

Do not write or sign below this line until you are instructed to do so by Court Clerk or Notary.

I affirm the information on this Petition to Stop Order of Assignment by Agreement is true and correct under penalty of perjury.

Date

(8) Person Filing Request to Stop

State of Arizona)
)ss.
County of _____)

Acknowledged before me on: _____

My Commission Expires: _____

Clerk of the Superior Court or Notary Public

Case No. _____

NOTICE TO OTHER PARTY: If you do not agree with this Petition, you have twenty days, or thirty days if service is made outside the state of Arizona, in which to respond by completing the attached petition for hearing. If requested, a hearing will be set.

If you requested a hearing and you have received payments directly, complete an Affidavit of Direct Payments to bring to the hearing. This form is available at: Maricopa County Superior Court Self Service Center or from the Internet at:

<http://www.superiorcourt.maricopa.gov/ssc/forms/word/drmw32f.doc>

If you do not request a hearing in writing within the time allowed, the Court will review the Petition to Stop Order of Assignment, and will grant the request.

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(1) _____
Petitioner in Original Case

(3) Case No. _____

(2) _____
Respondent in Original Case

(4) ATLAS No. _____

ORDER STOPPING ORDER of ASSIGNMENT A.R.S. § 25-504

To the employer(s) or other payor(s) of:

(5) Name: _____ SSN : _____

DO NOT WRITE BELOW THIS LINE. COURT PERSONNEL WILL COMPLETE THE FORM.

This Order stops the Order of Assignment dated _____, with the same case number as in (3) above. The employer(s) or other payor(s) is/are ordered to stop withholding monies pursuant to the Order of Assignment:

- ☐ Immediately or
- ☐ Effective (date) _____ or
- ☐ After you withhold and send \$_____ to the Support Payment Clearinghouse.

The Support Payment Clearinghouse is ordered to release any monies currently in its possession and future monies received: (Check **one** box only)

- ☐ To the **obligee** in total
- ☐ To the **obligee** in the amount of \$_____ and the remainder and any future payments to the obligor .
- ☐ To the **obligor** in total
- ☐ Other:

Dated: _____

Judicial Officer or Clerk of the Superior Court

CURRENT EMPLOYER INFORMATION

You may also fill out this form online at the Family Support Center Website at:
<http://www.familysupportcenter.maricopa.gov>

THIS FORM MUST BE COMPLETED FOR:

- ☐ **AN ORDER OF ASSIGNMENT (STAPLE TO THE ORDER OF ASSIGNMENT)**
- ☐ **ORDER TO STOP AN ORDER OF ASSIGNMENT (STAPLE TO THE STOP ORDER)**
- ☐ **NOTIFICATION OF A CHANGE OF EMPLOYER**

CASE NUMBER: _____

ATLAS NUMBER: _____

PAYOR NAME: _____
(PERSON TO MAKE PAYMENTS)

LIST ONLY THE EMPLOYER'S NAME AND PAYROLL ADDRESS WHERE THE ORDER OF ASSIGNMENT OR STOP ORDER SHOULD BE MAILED.

CURRENT EMPLOYER NAME: _____

PAYROLL ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

EMPLOYER TELEPHONE: _____

EMPLOYER FAX: _____

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID:	_____
TYPE OF W/A	_____
DATE	_____
AMOUNT OF ORDER	_____
EMPLOYER STATUS	_____
ENTERED BY	_____
NEW W/A	_____
AG	_____
	SUB _____
	DCSE _____

**SELF-SERVICE CENTER
PROCEDURES CHECKLIST
PETITION TO STOP ORDER OF ASSIGNMENT**

(When the Other Party Will Not Sign an Agreement to Stop the Order)

☐ **STEP 1: Complete the following forms:**

- Petition to Stop Order of Assignment
- Order Stopping Order of Assignment
- Current Employer Information Sheet

☐ **STEP 2:** Make three copies* of the “**Petition to Stop Order of Assignment**”.

* **If** there is an ATLAS number for your case, which indicates the child support enforcement services of the state IV-D agency are involved, make a fourth copy for that agency.

☐ **STEP 3:** Separate your documents into three sets (four, if the IV-D Agency is involved). Put your documents in this order:

Set 1 - ORIGINALS and Copies to be filed with the Clerk of Court:

1. Petition to Stop Order of Assignment (1 original + 1 copy)
2. Order Stopping Order of Assignment (1 original + 2 copies)
3. Current Employer Information Sheet (1 original)
4. TWO Self-Addressed, Stamped Envelopes*

* One Addressed to you; One addressed to the other party.

Set 2 - COPY for You:

- (1) Petition to Stop Order of Assignment

Set 3 – COPY for Other Party:

- (1) Petition to Stop Order of Assignment

Set 4 – COPY for DES (the IV-D Agency)*: *IF required (see STEP 6)

- (1) Petition to Stop Order of Assignment

☐ **STEP 4: GO TO THE COURT TO FILE YOUR PAPERS. Take all originals and copies.**

The Court is open from 8am-5pm, Monday-Friday. **You should go to the Court at least two hours before it closes.** You may file your court papers at the following Superior Court locations:

Central Court Building

201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex

222 East Javelina Drive, 1st floor
Mesa, Arizona 85210

Northwest Court Complex

14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex

18380 North 40th Street
Phoenix, Arizona 85032

FILE: Go to the Clerk of the Court filing counter to file your documents.

FEES: There is a filing fee and service fees for all petitions. You may request a waiver or deferral of the filing fees (and the Sheriff's service fees if you intend to use the Sheriff's office for service) at the time you file your papers. The Self-Service Center and the Filing Counter have the waiver or deferral forms.

PAPERS: Hand all three (3) (or four (4), if a copy is required for DES, the IV-D Agency) sets of your court papers to the clerk along with cash or Money Order for the \$61.00 filing fee. NOTE: If you have never "appeared" in this case, that is you have not previously filed a response or other papers, you may also have to pay an "**Appearance Fee**" of **\$231.00**.

If you bring picture identification, and if you have not already signed the form and/or had the form notarized, a Deputy Clerk will verify your signature, date and sign the Request at the bottom.

☐ **STEP 5: MAKE SURE YOU GET BACK THE FOLLOWING FROM THE CLERK:**

- Your Set of Copies.
- The Other Party's Set of Copies with a blank "*Request for Hearing/Notice of Hearing*" attached
- The Set of Copies for the IV-D Agency (if required)
- Ask the Clerk to stamp the extra copies for you. These are called "conformed" copies.

☐ **STEP 6: SERVE THE PAPERS ON THE OTHER PARTY**

- See the Self Service Center **SERVICE** Packet for instructions on how to serve the other party.
- If the other party is in-state, you must have the papers delivered by a Private Process Server or the Sheriff's Department *unless* the other party will sign an Acceptance of Service in front of a Notary Public or Clerk of Court.

☐ You may not hand-deliver the papers *unless* the other party will sign an Acceptance of Service in front of a Notary Public or Clerk of Court.

NOTE: If one of the parties is using the child support enforcement services of the Department of Economic Security (DES), this request must be served on that office as well as the other party.

You may serve DES by mailing a copy of the *Petition* and an "**Acceptance of Service**" form to:
Attorney General, Child Support Enforcement, P. O. Box 6123, Site Code 775 C, Phoenix, AZ 85005.

The "**Acceptance of Service**" (form GN22F) is included in the "**SERVICE**" packet available for purchase from the Self Service Center, or it may be downloaded for free from the Self Service Center's website at:

<http://www.superiorcourt.maricopa.gov/ssc>

Enclosing a self-addressed, stamped envelope for the Agency to mail the signed form back to you, may speed the response time. There is no charge (except postage) for serving DES by this method.

You may also choose to pay to have the papers served by a private process server or the Sheriff's Department, on either the: Director, Department of Economic Security, 1789 W. Jefferson, Phoenix, AZ 85007 or Attorney General, Child Support Enforcement, 15 S. 15th Avenue, Phoenix, AZ 85007

- ☐ **STEP 7: WAIT** for the Court to let you know whether the Order was signed or the matter was set for a hearing. *If* the other party requests a hearing, either a hearing or a conference will be scheduled. You will receive written notice of when and where to appear (date, time, and location)

If the other party does not request a hearing, *usually* one of the following will happen:

- The Order Stopping the Order of Assignment will be signed.
- A Hearing or Conference will be set.
- You will be notified by mail that your request was denied.

Do not copy
or file this page